REMARKS

I.   <u>Summary of the Examiner's Action</u>

A.   <u>Claim Rejections</u>

As set forth in paragraph 4 on page 5 of the August 9 Office Action, claims 1 – 7,

11, 13, 15, 18 and 22 - 83 stand rejected under 35 U.S.C. § 102(e) as being anticipated by

United States Patent Application Publication No. 2002/0097750 to Gunaseelan *et al.*

(hereinafter "Gunaseelan" or "the Gunaseelan application").

As set forth in paragraph 6 on page 23 of the August 9 Office Action, claims 17,

19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the

Gunaseelan application in view of United States Patent No. 6,842, 433 to West *et al.*

(hereinafter "the West patent").

These rejections are respectfully disagreed with and traversed below.

II.   <u>Applicant's Response</u>

A.   <u>Rejection of Claims 1 – 7, 11, 13, 15, 18 and 22 -83</u>
                <u>under 35 U.S.C. § 102(e)</u>

Gunaseelan discloses a streaming content delivery system comprising a number of

clients and a streaming server. In the streaming server there is a number of packet

producers, in other words stream reader/processor entities, a time stamp packet queue and

a feeder module that removes packets from the time stamp packet queue and transmits the

removed packets to a client via a network. The packet producers provide time stamps for the packets. The time stamps indicate the time when a packet should be transmitted by the feeder. The purpose of the time stamps is to make the feeder conform to the requirements of individual clients and to ensure that no packets miss their deadlines for presentation in the client. The feeder must also be able to feed packets from the queue for delivery in a way that deals with time stamp conflicts. A time stamp conflict occurs when two packets have close or same time stamps so that the time stamps cannot be adhered to in the packet transmission process due to the time required to transmit a packet. The feeder, in order to determine how much it is possible to deviate from the time stamp, consults the parameters for pre-read size and maximum buffer size for the client in question. The former parameter indicates how much a packet may be delayed and the latter how much data, that is, which particular packets may be sent early before their timestamps are due. These parameters have been obtained at the start of the streaming from the client. The pre-read size indicates how many bytes the client must store before the presentation of the stream may be started at the client end. The pre-read size in the client buffer protects against buffer underflow, whereas the maximum buffer size protects against buffer overflow. Gunaseelan also discloses the expressing of pre-read size in terms of time (Gunaseelan, paragraphs 40, 44 – 45). Generally, the feeder performs packet scheduling at the interface to the network. The feeder also performs admission control for individual streams. The feeder determines the maximum number of bytes that need to be delivered in a given time window. The maximum number of bytes is used to determine the time required to transmit the bytes. The feeder totals the

maximum number of bytes for each stream to determine whether there is capacity available to send the packets.

Applicant has amended independent claims 1, 22, 51 and 63. Support for the amendments may be found throughout the application as filed; see, for example page 12, lines 22 – 27. Applicant respectfully requests that in view of the foregoing amendments and following remarks the independent claims are now allowable. Accordingly, Applicant respectfully requests that the rejection of claims 1, 22, 51 and 63 be withdrawn.

In particular, regarding amended independent claims 1, 22, 51 and 63 Applicant respectfully submits that Gunaseelan fails to describe or suggest the features of *sending information indicative of a pre-decoder buffering parameter for the media data* and *sending information indicative of a post-decoder buffering parameter for the media.*

The Examiner has considered a jitter-buffer relevant to a post decoder buffer regarding the rejection of previous claim 15. However, Gunaseelan fails to describe or suggest post-decoder buffering. Gunaseelan fails to disclose different pre-decoder and post-decoder buffers. In Gunaseelan variable bit rate transmissions are dealt with by computing a maximum number of bytes that can be received during a given time period. Gunaseelan also discloses only a pre-read size parameter (Gunaseelan, paragraphs 39 – 40, 44 – 45). In Gunaseelan the single pre-read size parameter makes it possible to

enable the separate handing of jitter due to network conditions imposed by delay and variable rate transmissions due to different media coding frame sizes. Therefore Gunaseelan fails to disclose a separable jitter buffer. Since there is no separable and separately indentified jitter-buffer among the packets buffered at the client side, such a concept may not be considered to disclose a separate post-decoder buffer. Further, Gunaseelan fails to disclose any type of post-decoder buffer.

For a 102(e) rejection to be proper, the applied art must show each and every element as set forth in a claim (see MPEP 2131). Since Gunaseelan fails to teach or suggest at least one limitation of claim 1, claim 1 should be allowed.

Due to all of the foregoing reasons, Applicants respectfully submit that amended claims 1, 22, 51 and 63 are patentable over Gunaseelan. The pending dependent claims are allowable both as depending, either directly or indirectly, from the independent claims, and for reasons associated with their independently-recited features. Applicants therefore respectfully request that the pending dependent claims be allowed. Applicants have cancelled claims 2, 4 – 6, 17 – 20, 23 – 26, 29 – 43, 45 – 46, 57 – 58, 64, 66 – 67, and 72 – 84, thereby mooting the rejection of these claims.

Due to all of the foregoing reasons, it is respectfully submitted that all of the claims present in the application are clearly novel and patentable over the prior art of

record, and are in proper form for allowance. Accordingly, favorable reconsideration and

allowance is respectfully requested.

B.   Rejection of Claims 17, 19 and 20 under 35 U.S.C. § 103(a)

Applicants have cancelled claims 17, 19 and 20, thereby mooting the rejection of

these claims.

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III.   Conclusion

The Applicants submit that in light of the foregoing remarks the application is

now in condition for allowance.   Applicants therefore respectfully request that the

outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

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